

REMARKS

The changes to the claims are being made to better distinguish the claimed invention over the cited prior art and to overcome the rejection of claim 16 under 35 U.S.C. 112. These changes will be discussed along with a discussion of the reasons why the various prior art rejections set forth in the Office Action are traversed.

Claim 16 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which Applicants regard as their invention. In particular the Examiner asserts that claim 16 is inconsistent in that if the called party is not capable of receiving a video phone call, how can the called party be capable of receiving video communications. The Examiner's attention is called to the provisions of claim 16 as bolded below, which as originally drafted were intended to claim a method in which the communications network and media of the called party would be configured for transmitting only the audio communications in the event the called party was determined to not be capable of receiving a videophone call:

“if the party is not capable of receiving a videophone call, connecting the called party to the party to be called through the communications network and the communications media configured for **transmitting video and audio communications** of the calling party and the communications network and the communications media configured for **transmitting audio communications** of the called party.”

In response to this rejection, Applicants have amended claim 16 to more clearly set forth this distinction, and the withdrawal of this rejection with respect to the amended claim is therefore respectfully requested.

Claims 1-2, 4-6, 9-11, 12 and 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,545,697 (hereinafter “Parker”).

Regarding claim 1 the Examiner asserts that Parker discloses a videophone system comprising, inter alia, a plurality of videophones and at least one communication network (101/102, Fig. 1) configured for transmitting video and audio communications. Applicants respectfully traverse this characterization of Parker. While the system described by Parker is entitled “Video Telephony,” even the Applicants do not characterize their end user devices as videophones. Rather they are described as “user systems” or more particular as described with respect to Figures 3 of Parker (col. 4, lines 51 - 58) as including a separate video/data system for sending and receiving video images, and a telephone system for initiating standard audio only telephone calls of the traditional public telephone network. Parker further describes the video system as including a standard television or monitor and the telephone system to be a standard voice only telephone, clearly not a personal videophone as is contemplated by the present invention. Furthermore Parker does not disclose or even suggest a communication network configured for transmitting both video and audio communications. To the contrary Parker describes a public data network (110) for the video component of the communications, and a separate public telephone network (120) for the audio component of the communications. Reference is made to the second paragraph (col. 1, lines 52 – 67) of the Summary of the Invention in which it is specifically stated that a standard telephone call is established between the parties over the public telephone network, and that this telephone call is used to initiate messages to the server system (111) which causes any video components to be transferred over the public data network (110). Accordingly Parker does not teach or even suggest “at least one communication network configured for transmitting video and audio communications, much less

such network interconnecting a plurality of videophones, or an operations center connected to such a network. Accordingly, this rejection is traverse and should be withdrawn. For the same reasons, the rejections of dependent claims 2, 4-6 and 9-11 are also traversed and should be withdrawn.

In addition, regarding claim 2, Parker does not provide any teaching with respect to a communications medium configured for connecting the videophones to the communication network. While Parker does make reference in the discussion of Fig. 3 (col. 4, line 67) that the telephone system (303) could utilize wireless, wire-line, optical, or other communication media there is no comparable reference to any communication media used with respect to the video system (301), and clearly none with respect to a media or medium configured to transmit both audio and video. Accordingly for this reason also the rejection of claim 2 is traversed and should be withdrawn.

Regarding claims 4 and 5, the Examiner asserts that Parker teaches an operations center connected to a communications network configured for transmitting video and audio communications, with such operations center configured for communicating with a plurality of video phones via such network, and wherein said operations center comprises means for storing a user registry. While Parker does describe a server system (800) that is coupled to an Internet connection (817), such server system as described by Parker is not connected to a communications network configured for transmitting video and audio communications, and for communicating with a plurality of videophones over such network. Furthermore while Parker does describe the storage of user information in the server system, the actual information used to make the video call is derived from the initially placed audio only call (see e.g., col. 1, lines 52 - 67). Accordingly for these reasons as well, the rejections of claims 4 and 5 are traversed.

Regarding claim 6, the Examiner asserts that Parker teaches an operations center (800, fig. 8) connected to a communications network configured for transmitting video and audio communications, with such operations center further comprising at least one server for processing one or more of the following applications: (i) determining call particulars, (ii) processing SIP protocols, (iii) authenticating and ensuring security, (iv) enabling traditional telephone applications, (v) determining the availability of the called party, (vi) call messaging, (vii) instant messaging, (viii) selectably receiving supplemental information, or (ix) interconnecting with the PSTN network. As per the above discussion, while Parker does describe a server system (800) that is coupled to an Internet connection (817), such server system as described by Parker is not connected to a communications network configured for transmitting video and audio communications, and for communicating with a plurality of videophones over such network. Furthermore Applicants have amended claim 6 to more clearly articulate the differences between the present invention and Parker. Accordingly for this reason also the rejection of claim 6 is traversed and should be withdrawn.

Regarding claims 9 and 10, the Examiner asserts that Parker teaches a videophone further comprising a videophone interface unit that is located remotely from the videophone and proximate to the communications medium, and wherein the videophone is connected wirelessly or with cable means to the videophone interface unit and the videophone interface unit is connected via cable means to the communications medium. As discussed above Parker describes a user system that is directly connected to a public data network for video transmission and the public telephone network for audio transmission. Parker not only has no teaching of a videophone, it has no description or even reference of a separate component, i.e., something that could the purpose of a videophone interface unit, between the user system and the telephone or

data network, regardless of whether these components are connected wirelessly or with cable means. Furthermore and as also discussed above, Parker does not provide any teaching with respect to a communications medium configured for connecting the videophones to the communication network. While Parker does make reference in the discussion of Fig. 3 (col. 4, line 67) that the telephone system (303) could utilize wireless, wire-line, optical, or other communication media there is no comparable reference to any communication media used with respect to the video system (301), and clearly none with respect to a media or medium configured to transmit both audio and video. Accordingly for this reason also the rejection of claim 10 is traversed.

Regarding claim 12, the Examiner has rejected this claim on the same basis as the rejection for claim 1. For the reasons discussed above with respect to claim 1, Applicants respectfully submit that Parker does not describe or in any way teach the connection of a plurality of videophones to a communication network configured for transmitting both video and audio communications. Nor does Parker describe or in any way teach the connection of a communication medium configured for transmitting video and audio communications, much less such the connection of such medium to the communications network. Parker also does not describe or in any way teach an operations center configured to communicate with the communications network or the connection of the called and calling parties through their respected communications medium and network. Accordingly this rejection is traversed and should be withdrawn. The same holds true for claim 14, which is dependent on claim 12 and is allowable for the reasons discussed above with respect to claim 12.

Claim 3 and 13 of the present application stand rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of U.S. Patent Application 2002/00800230 (hereinafter “Van De

Sluis”). Claims 3 and 13 are also dependent upon claims 1 and 12, respectively, which are submitted to be allowable for the reasons discussed above. In addition, Applicants submit that the teachings of Van De Sluis cannot be extended to Parker. As discussed above the system according to Parker depends upon the initiation of a video call through the placement of a standard audio call on a standard telephone with no graphic display. Accordingly there would be no reason to refer to the teachings of Van De Sluis for a graphic display of user information. The monitor or other components of the video system of Parker are not in any way involved in initiating a video call. Furthermore, although the server system (111) of Parker does include a storage system there are no teachings of retrieving any stored information and transmitting the same back over the public data network for display or even further use by the user system (101), much less use in initiating a call from the user system. Rather the exact opposite is true. The user system provides information to the server system (not the reverse) by virtual of the initially placed audio only call. The server system then directly initiates a video only link, passing only the video images of the call between the applicable user systems. Thus the teachings of Parker are contrary to a combination with the teaching of Van De Sluis. Accordingly for these reasons also, the rejections of claims 3 and 13 are traversed and should be withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of U.S. Patent 5,473,366 (hereinafter “Imaeda”). In rejecting claim 15 the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Parker system to provide for the recited images and sounds. However, Imaeda specifically limits its invention to the capture of periodic frozen images during the continuous recording of sound (col. 7, lines 2-10). Applicants have amended claim 15 to more clearly articulate the advantages of the present invention which provides for the continuous capture of

the images and sounds of the parties to the call and the storage of the same in memory.

Reference is made to the background of the invention of Imaeda (col. 2, lines 1-7) where Imaeda expressly indicates that it would be impractical to do exactly what is accomplished by the present invention and, accordingly, its teachings cannot be expanded. For this reason, in addition to the reasons given in support of independent claim 1, Applicants respectfully submit that the rejection of claim 15 is traversed and should be withdrawn.

The rejections of dependent claims 7 and 8 are also overcome for the same reasons given in support of independent claim 1 and dependent claim 2.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of U.S. Patent 6,163,335 (hereinafter "Barracough"). Claim 16 is dependent on claim 2 and is therefore allowable for the same reasons discussed above with respect to claim 2. In addition, Applicants respectfully traverse the Examiner's characterization of Barracough. As shown in Figure 1 of Barracough a camera and standard telephone are connected to a video conferencing unit (108) which in turn is connected to a single communications network 106. As shown in Figure 2 of Barracough the signals of the camera, telephone, etc are all multiplexed for delivery over that communications network 106. In the system according to Barracough the standard telephone is used to control the video conferencing and to transmit the audio portion of the video conference. Reference is made to column 3, lines 46-59, wherein it is stated "at least one of the video conferencing arrangements has the capability to automatically determine whether a videoconferencing or conventional telephone call is being initiated. If a conventional telephone call is being initiated, the video processing functions of the videoconferencing unit are not activated and the user proceeds with the conventional telephone call. If the videoconferencing call is being initiated, the videoconferencing unit establishes a data connection with a compatible

device at the remote end of the communications channel and proceeds with the videoconference. Preprogrammed codes are stored and then accessed in response to a user require, such as entering a telephone number, to initiate a call. This should be compared to the present invention wherein the video calls are made over a communications network configured for transmitting both audio and video communications (as per claim 12.)

Claim 16 adds to this system a plurality of conventional PSTN phones, but these phones are connected to a separate communications network, i.e., one that is configured for transmitting audio communications. If the party to be called does not have a videophone or cannot otherwise participate in a video call, the call is automatically routed over this second communications network configured for transmitting audio, and not the first communications network configured for transmitting both audio and video. In the present invention the calling party need not enter any preprogrammed codes to designate whether the call being made is a video or audio only call. Rather this is determined automatically by the system of the present invention based upon the capabilities of the called party. For this reason also, the rejection of claim 16 is traversed.

Claims 26, 31, 36, 37, 45, 46 and 47 stand rejected under 35 U.S.C. 103(a) as being obvious over WO 99/34600 (hereinafter "Mazurek") in view of JP 407264298A (hereinafter "Ono") and U.S. Patent 5,844,600 (hereinafter "Kerr").

In regard to claims 26 and 47 the Examiner asserts that while Mazurek discloses the general method of making a videophone call, reference must be made to Ono for a teaching of selectably entering or selecting information with the videophone of the calling party uniquely identifying the videophone of the called party with respect to any other systems or devices connected to the communication network; and to Kerr for a teaching of synchronizing the microphone signals with the camera signals. Applicants respectfully traverse the Examiner's

characterization of Mazurek. It is well known that even with today's improved bandwidth as well as the improved compression and error handling techniques it is still not possible to provide video communications over the standard telephone network ("POTS"). Furthermore the standard POTS network is not configured for transmitting video and audio communications. To emphasize this point, Applicants have amended claim 47 to specify that such transmission of video and audio communications of the present invention is configured for transmitting such video and audio communications **in real time**. Clearly this would not be possible in the videophone described by Mazurek. The applicants also respectfully traverse the Examiner's characterization Ono. As set forth in Ono's abstract, "a caller acquires a communication means **registered in a called device by a called party** communication means acquisition section 5" [emphasis added.] This should be contrasted to the present invention which involves "selectably entering or selecting information **with the videophone of the calling party** uniquely identifying said videophone of the called party." What Ono describes is therefore almost the exact opposite of what is taught by the present invention. Furthermore, although Kerr does provide a discussion of various techniques for synchronizing audio and video signal, such techniques cannot be utilized by the system described by Mazurek. All of the techniques describe by Kerr involve delaying the audio to match it with corresponding video. Kerr thus assumes that the video as well as audio are being transmitted real time. This cannot be the case with the system described by Mazurek. The LCD described by Mazurek only provides for 15 frames per second even for locally produce video, and in all likelihood the transmitted video achievable over a POTS network will be substantially less than this. Although audio transmission can be made in real time, video transmission will likely be a staccato sequence of time separated images for which

the sound can never be synchronized. Accordingly it is not possible to modify Mazurek in light of any teachings provided by Kerr.

Further, in regard to claims 31, 36, 37, 45 and 46 the Examiner indicates that Mazurek teaches the inclusion of memory means for storing information, including, operation menus, telephone directories, user preferences, call logs, information about the users of the videophone and users of other phones to be called with the videophone, etc. Claims 31, 36, 37, 45 and 46 are dependent on claim 26 and are therefore deemed to be allowable for the reasons discussed above with respect to claim 26. Furthermore, Applicants respectfully traverse the Examiner's characterization of Mazurek. On page 4 of Mazurek, lines 19-24, a window 11 is described for noting telephone numbers and other information in the course of operating the video telephone. On page 12, lines 20 – 32, the invention according to Mazurek is described as potentially including a number of convenience features, namely, single-button speed dialing, memory dialing, speaker-phone operation, privacy calling, head-set operation, automatic answering, picture-in-picture operation, LCD telephone number display, and the storage of telephone numbers, names and addresses. Applicants respectfully submit that of the items described in claim 31 or 37 of the present invention the only ones even arguably discussed by Mazurek are telephone directories (with various types of telephone numbers), and potentially information about the users of and phones to be called with the videophone of the present invention, as construed in the broadest sense to mean directory type information. Applicants have amended claims 31, 36, 37 and 46 to more clearly differentiate the present invention. For these reasons also, the rejections of claims 31, 36, 37 and 46 are traversed.

The various rejections of dependent claims 27-30, 32, 33, 38-42 and 48 are also traversed for the same reasons given in support of independent claims 26 and 47.

Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Mazurek in view of Ono and U.S. Patent 6,622,021 (hereinafter "Takala"). Claim 34 is dependent on claim 31 and is therefore deemed to be allowable for the reasons discussed above with respect to claim 31. Additionally, Applicants respectfully traverse the Examiner's characterization of Takala. The system and method described by Takala is an automated response service. With this system a calling party is identified and a predetermined message is transmitted to the identified caller, which may or may not be unique for the identified caller. This predetermined message can be based upon data that the called party has entered into his/her electronic calendar. Thus for example, in the section of the Takala specification (col. 5, lines 26 – 47) identified by the Examiner, calling party A places a call to called party B, and is identified by called party B's telecommunication system as being calling party A. Based upon called Party B's pre-programmed rules and inputted data, called party B's telecommunication system generates and delivers a message to calling party A that may be based on called party B's inputted calendar data. This should be contrasted to the present invention wherein reminder information can be stored for the user of the videophone without there being a calling or called party. For example the videophone can be used as an alarm clock and to display reminders of anniversaries or birthdays. This is not taught or even described by Takala. To more distinctly recite this difference Applicants have further amended claim 34. For this reason also, the rejection of claim 34 is traversed.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Mazurek in view of Allen 1. Claim 35 is dependent on claims 31 and is therefore deemed to be allowable for the reasons discussed above with respect to claim 31. Additionally Applicants respectfully traverse the Examiner's characterization of the system described by Allen 1. The system described by

Allen 1 is a webcam based communication system that affords the ability to select from a plurality of webcam video streams currently being broadcast in order to display the selected stream. The selectable information is however all of the same type of information, i.e., webcam video streams. Furthermore even if the various webcam streams are viewed as “types” of information, Allen 1 does not describe a structure or method for storing information about these types of information or even the types of information themselves. Rather the system according to Allen 1 provides only for the creation and display of some representative indicia of the various then available webcam streams in a grid, ticker or comparable display format. This should be compared to the present invention in which the system determines for the various users whether they are available to receive the different types of information streams the present invention is able to transmit (examples of such different types of streams is provided by claim 36 which is dependent upon claim 35.)

Claims 43 and 44 stand rejected under 35 U.S.C. 103(a) as being obvious over Mazurek in view of Ono and Imadea. Claims 43 and 44 are dependent on claims 31 and are therefore deemed to be allowable for the reasons discussed above with respect to claim 31. In addition, Imadea describes the capture of discrete “frozen” images and not continuous video images as taught by the present inventions. Applicants have amended claims 43 and 44 to more clearly delineate this difference. For this reason also, the rejections of claims 43 and 44 are traversed.

